

FLETCHER HYLER  
3130 SAND HILL RD  
SUITE OFFICE 288, BOX 607  
PORTOLA VALLEY, CA  
94028  
FILING PRO SE

FILED  
2011 MAY 12 P 2:34  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re:

Case No. C11-2318

FLETCHER HARTWELL HYLER,  
Debtor.

ANDREA A. WIRUM, Trustee,  
Plaintiff,

vs.

SHERYL S. ROOT-HYLER, aka SHERYL  
ROOT, A.R. WILSON, JR., aka RAYDON  
WILSON, FLETCHER HARTWELL  
HYLER, aka BUD H. HYLER,  
Defendants.

EMERGENCY MOTION TO  
REVERSE AND SET ASIDE  
JUDGE CARLSON'S MAY 4<sup>th</sup> ORDER  
IN BANKRUPTCY CASE 04-32952  
TEC

FLETCHER HARTWELL HYLER (hereinafter Debtor) hereby requests an  
Emergency Ex Parte hearing on this APPEAL

1 Ex parte judicial proceedings are reserved for urgent matters where requiring notice  
2 would subject one party to irreparable harm. Securing the funds that the Trustee  
3 took from the sale of the wine is critical to me, having fallen behind on the rent due  
4 to the recession and the inability to gain work. The following is a note from the  
5 landlord:  
6

7 **From:** phil estipular [mailto:estipular@earthlink.net]

8 **Sent:** Tuesday, April 26, 2011 8:45 PM

9 **To:** bud hylar

10 **Subject:** Re: rent

11 I know what you told me. The problem is that what you said is irrelevant. There are no exceptions  
12 in our rental agreement that allow for non-payment because your customer makes changes. What is  
13 relevant is that you are about to be 30 days in arrears for April and May is only a week away. So  
14 far I haven't seen one cent from you in an effort to correct this situation. It's as if you feel you  
15 can just ignore your obligation.  
16

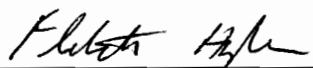
17 I fully expect you to pay your back rent for April + penalties and your rent for May, and that you  
18 will pay the entire amount on or about May 1, according to our rental agreement. Just do whatever  
19 it takes. No excuses, no stories. And please, do not take this incident of being one month in  
20 arrears as ok. It is not acceptable.

21 Phil  
22  
23  
24  
25

1 Being forced to lose the current home because the trustee is wrongfully keeping the  
2 funds is irreparable harm. The funds that the Trustee took from the sale of the wine are  
3 the source for living expenses until work is expected to resume in late June.  
4

5 Opposition received a copy of the Appeal filing and documentation on Thursday May  
6 5<sup>th</sup> by email, and are receiving a copy of this Ex Parte Motion today May 11<sup>th</sup>.  
7  
8  
9

10  
11 Date: MAY 11TH, 2011

  
\_\_\_\_\_  
Fletcher Hyler